

## REMARKS

Applicant respectfully submits that the present invention meets the requirements of the first and second paragraphs of 35 U.S.C. § 112, and in support presents the following arguments. Claims 1-49 are pending. Claims 1-31 have been withdrawn from consideration by the Examiner and claims 32-49 have been rejected by the Examiner. Claim 32 has been amended to provide more clarification as to the meanings of the terms. No amendments have been made to obviate prior art. No new matter has been added by the aforementioned amendments.

### Response to 35 U.S.C. § 112 Rejection, First Paragraph

Applicant submits that claims 32-49 as amended comply with the enablement requirement as set forth in the first paragraph of 35 U.S.C. § 112. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable. That standard is still the one to be applied. *See In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988).

Applicant submits that the newly amended claims are enabling because undue experimentation is not needed to practice the invention. In amending the claims, Applicant has further clarified "organic material" to be comprised of a quantity of starch and mucilage, and proposes that one skilled in the art would be able to practice the invention as disclosed in the specification without undue experimentation. Additionally, Applicant has further clarified the amounts needed for glycosidase, protease and alpha-amylase to be amounts effective to digest polysaccharides, break down protein and break down starch molecules, respectively. This results in a desired viscosity of solution. Applicant believes these amendments, along with the specification, would allow a person of ordinary skill in the art to practice the invention without undue experimentation.

Therefore, Applicant believes independent claim 32, along with claims dependent thereon, to be in compliance with § 112, first paragraph, and respectfully requests the Examiner to place the application in condition for allowance.

**Response to 35 U.S.C. § 112 Rejection, Second Paragraph**

Applicant submits that claims 32-49 as amended particularly point out and distinctly claim the subject matter which the applicant regards as the invention, and therefore, are in compliance with 35 U.S.C. § 112, second paragraph. The primary purpose of § 112, second paragraph, is to ensure that the scope of the claims is clear so that the public is informed of the boundaries of what constitutes infringement of the patent. Applicant submits that the inquiry should be whether the claims set out and circumscribe the subject matter with a reasonable degree of clarity and particularity. Definiteness should be analyzed, not in a vacuum, but in light of the specification and claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. Applicant submits that definiteness does not turn on whether more suitable language or modes of expression are available.

A person of ordinary skill in the art would understand "treating" to mean contacting the amylase, protease or glycosidase to the starch and mucilage-containing organic material. Furthermore, examples disclosed in the specification discuss adding the enzymes to the organic material to make a mixture to create a liquid mixture. Example 1 discusses that the enzymes are "added to the mixture." Paragraph [0006] discusses mixing of the enzymes with the organic materials. One of ordinary skill in the art would understand from the specification that the enzymes contact the organic materials and that treating refers to this process.

Similarly, the term "modifying" the pH or temperature of a mixture is widely understood by those of ordinary skill in the art to indicate that a change is made. This change can either be an increase or a decrease, as explained in Examples 1-4. Applicant respectfully submits that the terms "treating" and "modifying" are clear as to what is encompassed by these terms, and therefore, believes independent claim 32 along with claims dependent thereon to be in compliance with § 112, second paragraph, and respectfully requests the Examiner to place the application in condition for allowance.

### **CONCLUSION**

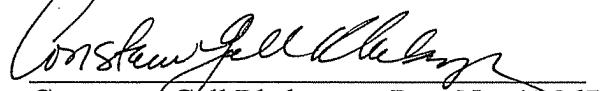
The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention, which render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

Reconsideration of the application and allowance of all of the claims are respectfully requested. In view of the foregoing Response, Applicant respectfully submits that all of the claims are allowable, and Applicant respectfully requests the issuance of a Notice of Allowance. Should further discussion regarding the application be desired by the Examiner, a telephone conference is respectfully requested. I can be reached at (713) 221-3306.

An extension of time for one month is requested and a check is included. In the event this is fee is inadequate, the Commissioner is authorized to charge BRACEWELL & GIULIANI LLP, Deposit Account 50-0259 (376FV.44313) in the amount of any deficiency.

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